

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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INDIANA LABORERS PENSION FUND,	:	Civil Action No. 1:08-cv-05994-SAS
Individually and On Behalf of All Others	:	
Similarly Situated,	:	<u>CLASS ACTION</u>
	:	
Plaintiff,	:	NOTICE OF MOTION FOR
	:	APPOINTMENT AS LEAD PLAINTIFF
vs.	:	AND FOR APPROVAL OF SELECTION OF
	:	LEAD COUNSEL
FIMALAC, S.A., et al.,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that Institutional Investor Indiana Laborers Pension Fund (“Indiana Laborers”) will hereby move this Court, on a date and at such time as may be designated by the Court, for an Order (attached hereto as Exhibit A): (i) appointing Indiana Laborers as Lead Plaintiff; (ii) approving Indiana Laborers’s selection of the law firm of Coughlin Stoia Geller Rudman & Robbins LLP to serve as Lead Counsel; and (iii) granting such other and further relief as the Court may deem just and proper. In support of this Motion, Indiana Laborers submits herewith a Memorandum of Law and Declaration of Mario Alba Jr., dated September 2, 2008.

DATED: September 2, 2008

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
SAMUEL H. RUDMAN  
DAVID A. ROSENFELD  
MARIO ALBA JR.

*/s/ Mario Alba Jr.*  
\_\_\_\_\_  
MARIO ALBA JR.

58 South Service Road, Suite 200  
Melville, NY 11747  
Telephone: 631/367-7100  
631/367-1173 (fax)

[Proposed] Lead Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I, Mario Alba Jr., hereby certify that on September 2, 2008, I caused a true and correct copy of the attached:

Notice of Motion For Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel;

Memorandum In Support Of The Motion Of Indiana Laborers Pension Fund For Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel; and

Declaration Of Mario Alba Jr. In Support Of The Motion Of Indiana Laborers Pension Fund For Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to any additional counsel on the attached service list.

/s/ Mario Alba Jr.

Mario Alba Jr.

FIMALAC

Service List - 8/28/2008 (08-0136)

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**Counsel For Defendant(s)**

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# EXHIBIT A

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Individually and On Behalf of All Others	:	
Similarly Situated,	:	<u>CLASS ACTION</u>
	:	
Plaintiff,	:	[PROPOSED] ORDER APPOINTING LEAD
	:	PLAINTIFF AND APPROVING
vs.	:	SELECTION OF LEAD COUNSEL
	:	
FIMALAC, S.A., et al.,	:	
	:	
Defendants.	:	
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Having considered the Motion of Indiana Laborers Pension Fund (“Indiana Laborers”) for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel and the Memorandum of Law and Declaration of Mario Alba Jr., in support thereof, and good cause appearing therefore:

1. Indiana Laborers is hereby appointed Lead Plaintiff for the Class pursuant to Section 21D of the Securities Exchange Act of 1934; and

2. The law firm of Coughlin Stoia Geller Rudman & Robbins LLP is hereby appointed Lead Counsel.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE SHIRA A. SCHEINDLIN  
UNITED STATES DISTRICT JUDGE